

REMARKS

Reconsideration and allowance of presently solicited Claims 1, 3 to 5, 7, 10 to 17, 19, 22 and 23, as well as Claims 8 and 20 which were indicated to have been withdrawn respectfully is requested. For the reasons indicated in detail hereafter these claims are urged to be in condition for allowance.

Applicants acknowledge with appreciation the withdrawal of the previously indicated bases for rejection, as well as the indication at Page 6, Paragraph 9, of the Official Action of the allowability of dependent Claims 2, 5, 14 and 17 upon their presentation in independent form.

The continued rejection under 35 U.S.C. §112, second paragraph, of Claim 18 as being dependent upon a canceled claim is rendered moot by the present Amendment. Such dependent Claim 18 has been canceled.

In the Official Action dependent Claim 2 was indicated to define patentable subject matter, and specified the concentration of the compounds having formula (1) to be 0.1-5 parts by weight with respect to 100 parts by weight of the organic solvent. Dependent Claim 2 has been canceled and this subject matter now appears in independent Claim 1. Also, lithium battery Claim 14 which was indicated to be allowable, has been amended so as to now depend on Claim 1 rather than Claim 2. Each of the other claims also depends either directly or indirectly from independent Claim 1 and accordingly should likewise be in condition for allowance.

Dependent Claim 23 is newly added and further specifies that 0.1-1 part by weight of the at least one of the compounds having formula (1) to be present with respect to 100 parts by weight of the organic solvent. Support for this new dependent Claim 23 is found in Applicants' Specification at Page 6, lines 14 and 15.

The continued rejection of presently solicited Claims 1, 3, 4, 7, 10 to 13, 15, 16, 19, and 22 under 35 U.S.C. §103(a) over the different teachings of U.S. Patent No. 5,580,683 to Takeuchi et al. would be lacking a sound basis. As previously indicated, the subject matter of Claim 2 which was indicated to be allowable upon presentation in independent form has been incorporated into independent Claim 1. All of the other claims depend either directly or indirectly from Claim 1 and include the subject matter of Claim 1. Accordingly, the withdrawal of this sole remaining basis for rejection is urged to be in order and is respectfully requested.

In the restriction requirement of August 15, 2006, Applicants were asked "to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claims is finally held to be allowable". It respectfully is submitted that Applicants' presently solicited Claim 1 is in fact generic and is in condition for allowance. Claims 8 and 20 further limit the subject matter of presently solicited Claim 1. Accordingly, it is urged that Claims 8 and 20 which are indicated to have been withdrawn, appropriately should be rejoined and included among the claims that appear in the patent based upon the present Application when issued. Such rejoinder respectfully is requested.

If there is any remaining point that requires clarification prior to the issuance of a formal Notice of Allowance with respect to Claims 1, 3 to 5, 7, 8, 10 to 17, 19, 20, 22, and 23, the Examiner is urged to telephone the undersigned attorney so that the matter can be discussed and expeditiously resolved.

Respectfully submitted,

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